

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

July 17, 2006

**CALL TO PODIUM:**

Jacqueline Marsh

**RESPONSIBLE STAFF:**

Jacqueline Marsh, Planner  
Patricia Patula, Planner

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
<input checked="" type="checkbox"/>	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
<input checked="" type="checkbox"/>	Other: Certificate of Approval

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE:**

**HISTORIC DISTRICT COMMISSION**  
**Approval of Certificate of Approval:**  
**HAWP-14C** Applicant: Clark Day  
26 Walker Avenue, Tree Removal

**SUPPORTING BACKGROUND:**

At their meeting of July 6, 2006, the HPAC held a public hearing on this application for the removal of three trees at 26 Walker Avenue. This is a contributing resource to the Brookes, Russell, Walker Historic District.

The applicant is requesting to remove a cedar tree, located to the left of the house, which is dying, and two trees (an apple and a willow) located to the rear of the property, which are also neglected and damaged. The applicant will be replanting two dwarf apple trees and two dwarf pear trees.

*Mr. David Savage, 23 Walker Avenue, gave testimony in support of the tree removal.*

The HPAC unanimously recommended approval, finding the request to be in compliance with Secretary of Interior Standard Four, which states most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved. The applicant is maintaining the major trees on site and preserving the character of the site by replanting trees. This application is also in conformance with the design guidelines of the Brookes, Russell, Walker Historic District.

Staff and HPAC recommend the HDC make the following motion:

**Grant approval of HAWP-14C and issue the Certificate of Approval, finding, based on the record before HPAC and for the reasons articulated by HPAC, that the application meets Secretary of Interior Standard Four and the Brookes, Russell, Walker Historic District Guidelines.**

**DESIRED OUTCOME:**

**Vote on HAWP-14C.**

HPAC Public Hearing – July 6, 2006  
HDC Review – July 17, 2006

**INDEX OF MEMORANDA  
HAWP-14C**

**Applicant: Clark Day  
26 Walker Avenue  
Tree Removal**

<b>Number</b>	<b>Exhibit</b>
1.	Application
2.	Site plan showing trees to be removed
3.	Photographs of trees to be removed
4.	Tree Inventory Data for 26 Walker Avenue
5.	Notice to include legal ad for public hearing in the June 28, 2006, <i>Gaithersburg Gazette</i>
6.	Public hearing notice, sent out June 26, 2006, to the required parties
7.	By Reference: Brookes, Russell, Walker Historic District Guidelines
8.	By Reference: Annotated Code of Maryland, Article 66B, Historic Resources
9.	By Reference: Secretary of Interior Standards for Rehabilitation
10.	By Reference: HD-14 Designation Documents
11.	By Reference: Qualifications of HPAC, HDC, and staff
12.	By Reference: Historic Preservation Ordinance

## HISTORIC AREA WORK PERMIT APPLICATION

In accordance with Chapter 24, Article XII of the City Code.

Application Number HAWP-14C

Date Filed 5-25-06

Application Completed 5-25-06

HPAC Hearing/Review 7-6-06

HDC Hearing/Review 7-18-06

Decision \_\_\_\_\_

Date of Decision \_\_\_\_\_

### 1. SUBJECT PROPERTY

Address 26 Walker Ave

Lot 26 Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Tax Account Number 00847101

### 2. APPLICANT/OWNER/AUTHORIZED AGENT

Name Clark + Marie Day Telephone 301 351 6228

Address 26 Walker Ave

### 3. OWNER OF RECORD (IF NOT APPLICANT)

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

### 2. TYPE OF WORK (CHECK APPROPRIATE)

- ☐ Visible from public way  
☐ Not visible from public way

- |   |   |                                      |   |
|---|---|--------------------------------------|---|
| <input type="checkbox"/> Fence                | <input type="checkbox"/> Windows            | <input type="checkbox"/> Additions   | <input type="checkbox"/> New Construction                 |
| <input type="checkbox"/> Signage              | <input type="checkbox"/> Siding             | <input type="checkbox"/> Relocation  | <input type="checkbox"/> In-kind Replacement              |
| <input type="checkbox"/> Parking              | <input type="checkbox"/> Roofing            | <input type="checkbox"/> Restoration | <input type="checkbox"/> Utilities (meters, cables, etc.) |
| <input checked="" type="checkbox"/> Landscape | <input type="checkbox"/> Accessory Building | <input type="checkbox"/> Demolition  | <input type="checkbox"/> Miscellaneous                    |

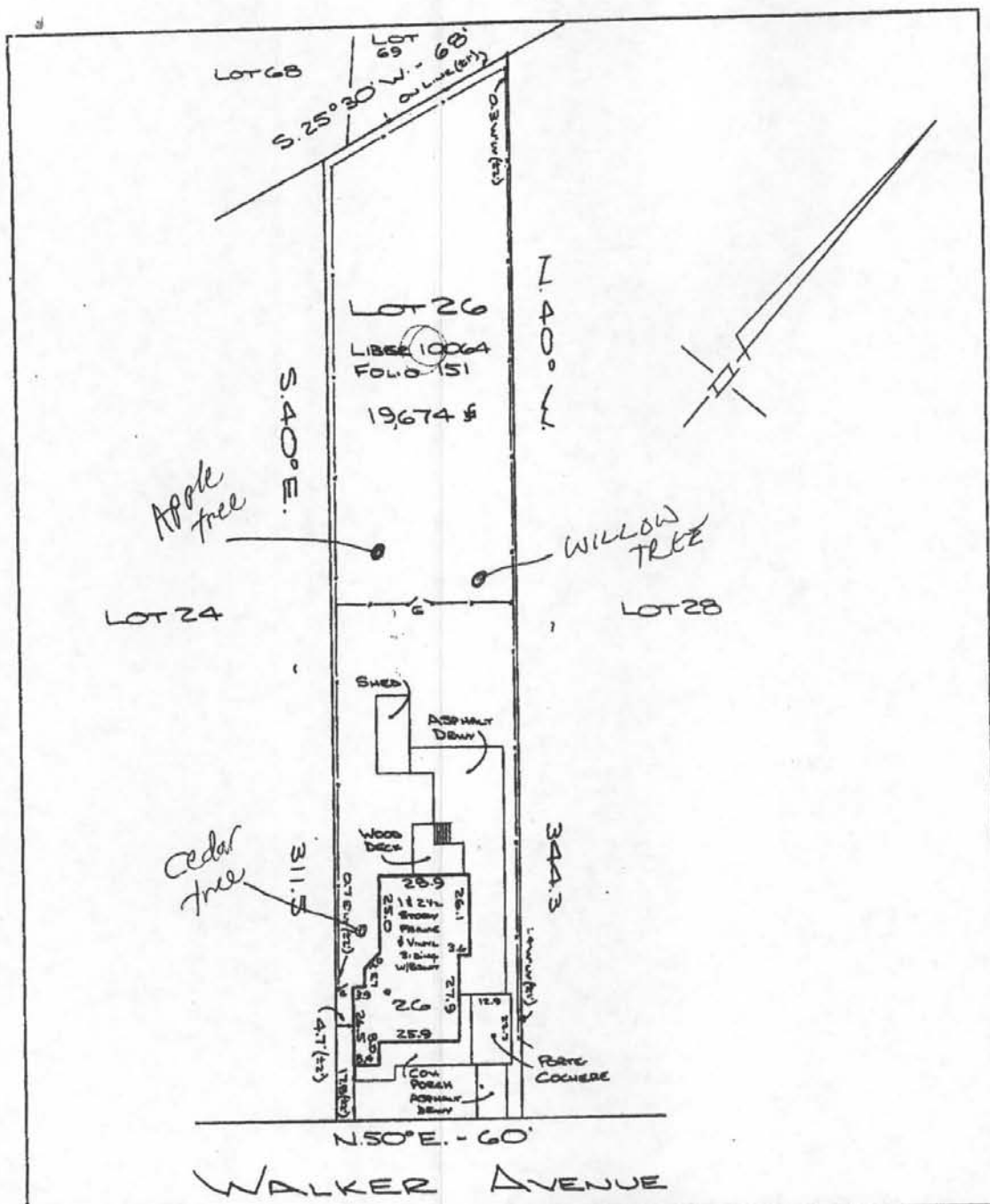
4. DESCRIPTION OF PROPOSED WORK Remove 3 trees.

### 5. HISTORIC AREA WORK PERMIT PROCESS AND APPLICATION SUBMISSION REQUIREMENTS (SEE PAGES 2-7)

I have read and understand the attached information regarding process and requirements in obtaining a Historic Area Work Permit.

Signature Clark W. Day

Date 5/25/06



# Capitol Surveys, Inc.

1300 Mercantile Lane  
Suite 138  
Largo, Maryland 20774  
Phone 301-772-1654  
Fax 301-341-1285

NOTES: Plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing; the plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements; and the plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of property or financing or refinancing. This property lies within Zone C (Special Flood Hazard Area) as delineated on the maps of the National Flood Insurance Program, unless otherwise shown.

## LOCATION DRAWING LOT 26

"J. W. WALKER'S  
ADDITION TO GAITHERSBURG"  
MONTGOMERY COUNTY, MARYLAND

Recorded in Plat Book — Plat — Scale 1" = 40'

CASE: 31-97 FILE: 55626

DATE: JANUARY 20, 1997

I hereby certify this location drawing was prepared in accordance with the minimum standards of practice for the State of Maryland and is correct to the best of my belief of what can be visually and accessibly observed.

*Edward L. Lopez*  
Edward L. Lopez, Jr.  
Maryland Property Line Surveyor No. 522

HPAC 7-6-06  
HAWP-14C  
#2



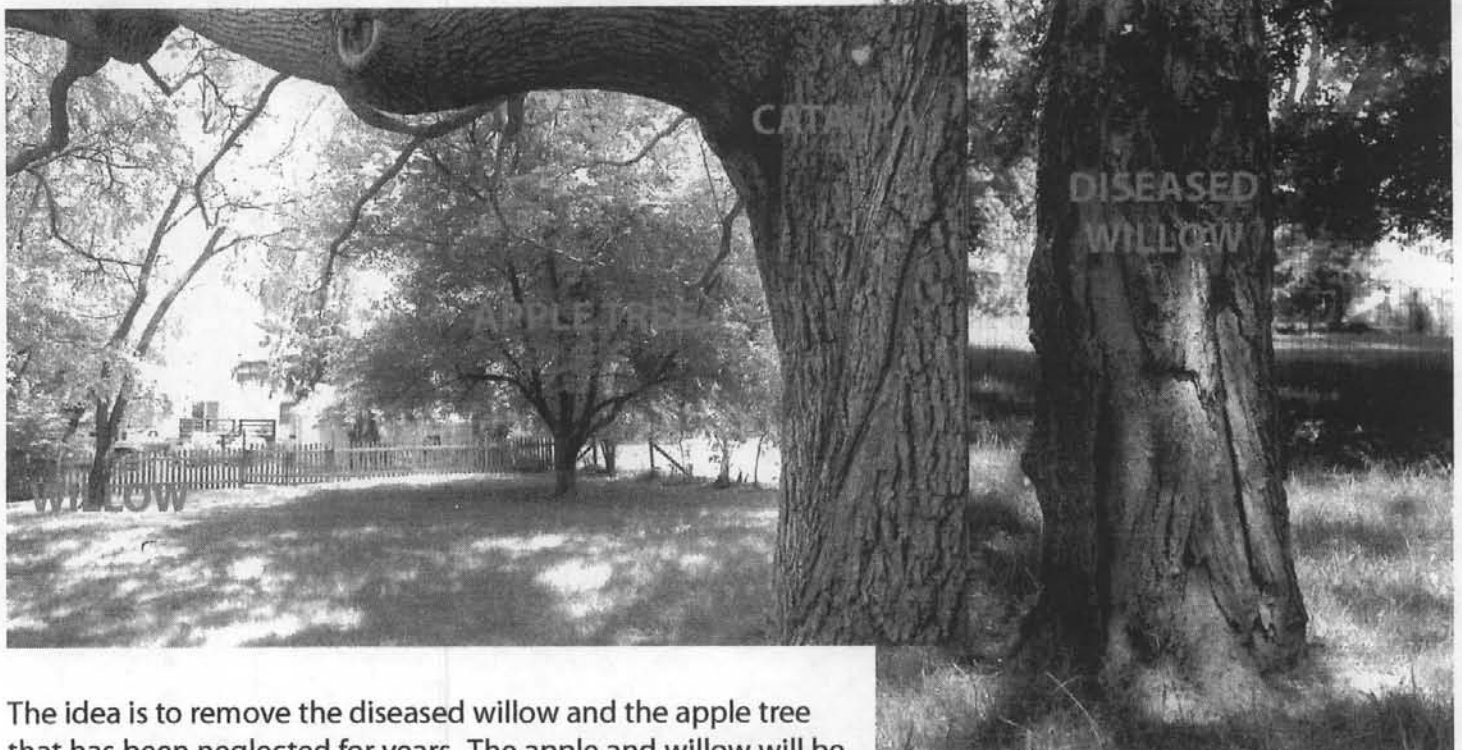
Cedar tree in side yard is dead in the top 2/3rds of the tree due to someone putting on guide wires years ago. As you can see in the lower photo there is a garden hose strangling the tree causing the top part of the tree to be dead. This tree needs to be removed.



HPAC 7-6-06  
HAWP-14C  
#3  
PENGAD 800-537-6883



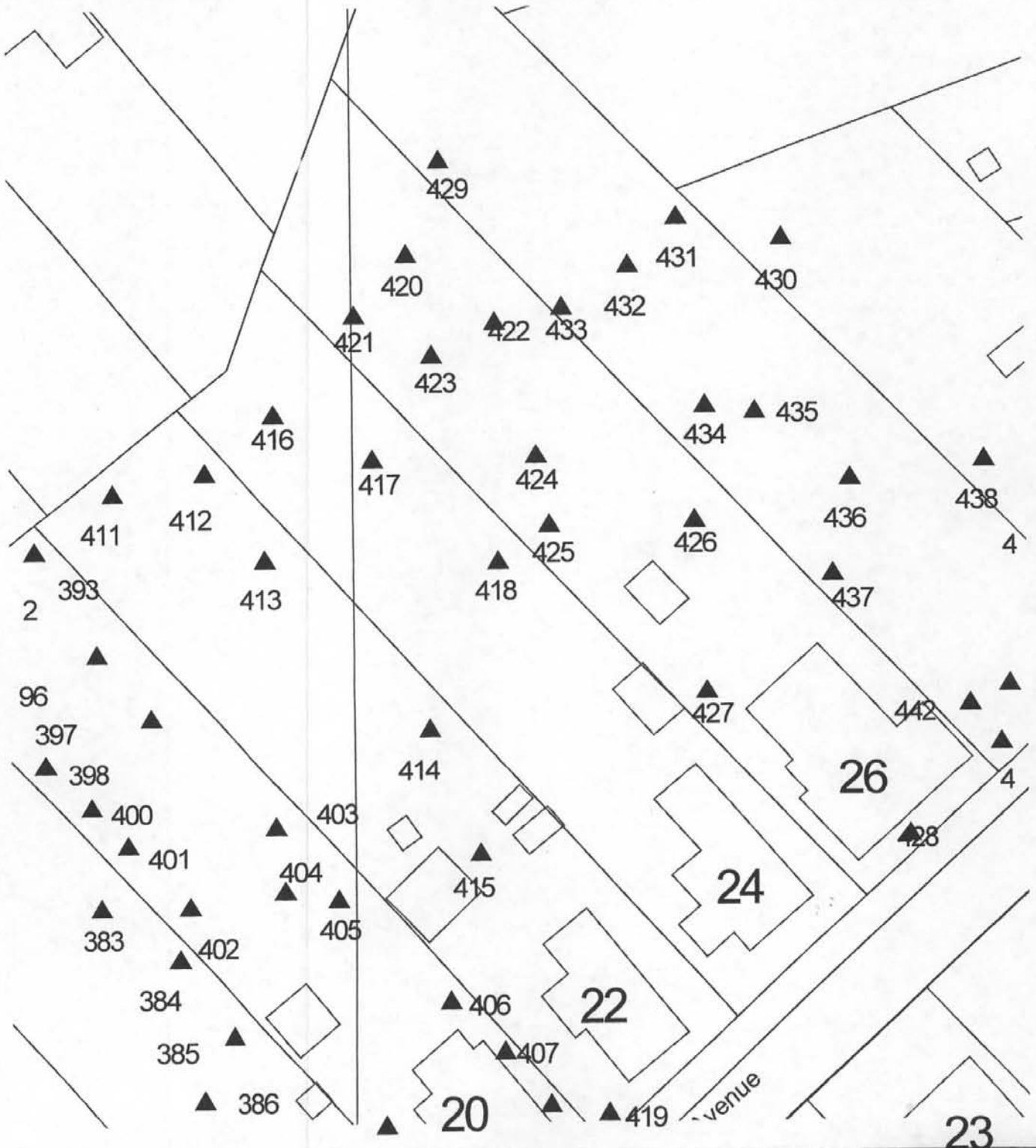
26 WALKER AVE



The idea is to remove the diseased willow and the apple tree that has been neglected for years. The apple and willow will be replaced with two dwarf apple trees and two dwarf pear trees. Willow trees are known for their heavy thirst and we feel the catalpa is suffering <sup>due</sup> to the willow's excessive water consumption.



# Tree Inventory for Brookes, Russell, Walker Historic District



24 and 26 Walker Avenue

Gaith

HPAC 7-6-06  
HAWP-14C  
#4





June 1999

## City of Gaithersburg Historic District Tree Inventory

Prepared by  
the Care of Trees, Inc.

INV#	Location	Street	MHO	PB	APS	No.	of total	Species	dbh	cond	PR	RM	CB	HE	IPM	Wires	SW	Comments
420	Rear left corner	26 Walker Ave.	Yes			1	9	Black pine	10	1								
421	Rear center	"				2	9	Black pine	12	2								
422	Rear right side	"				3	9	Silver maple	16	2			X					Multiple trunk or removal
423	Rear center	"				4	9	Northern catalpa	12	3	3							Future cable, deadwood
424	Rear center	"				5	9	Northern catalpa	68	5								Montgomery county champ
425	Rear left side	"				6	9	Apple	12	3								Crowding Catalpa, possible removal, lightning protection
426	Rear right side	"				7	9	Weeping willow	10	2								Trunk decay
427	Rear left side	"				8	9	Norway spruce	18	2	2				1		X	Spider mites & aphids, house clearance
428	Front left corner	"				9	9	Flowering cherry	8	3	1						X	Street/sidewalk clearance
429	Rear left side	30 Walker Ave.	No			1	25	Fire cherry	9	2	3		X					
430	Rear right corner	"				2	25	Black cherry	37	1	2	3	X					Tent Caterpillars, vines, deadwood, bad crotches, possible removal
431	Rear center	"				3	25	Black cherry	25	1		3						Vines, declining, possible removal
432	Rear center	"				4	25	Silver maple	44	2	1		X					Hangers, lights, deadwood
433	Rear center	"				5	25	Northern catalpa	23	3								Vines
434	Rear left side	"				6	25	Apple	14	2	2							
435	Rear left side	"				7	25	Apple	12	2	2							Multi-trunk, 20% thin
436	Rear left side	"				8	25	Yoshino cherry	12	3	3							20% thin
437	Rear left side	"				9	25	Northern catalpa	19/24/28	3	2		X					Deadwood, remove chain -- re-anchor swing
438	Front Center	"				10	25	Southern magnolia	16/19	2	3		X	1				
439	Front Right side	"				11	25	Red mulberry	9	3								

Key: MHO=met homeowner; PB=public tree; APS=avail planting space; PR=prune; RM=remove; CB=cable; HE=hazard eval; IPM=plant health care priority level: 1=urgent; 2=medium; 3=low  
 Condition Key: 5=excellent; 4=very good; 3=good; 2=fair; 1=poor D=dead/dying



June 23, 2006

Ashby Tanner, Law Section  
The Gaithersburg Gazette  
P.O. Caller 6006  
Gaithersburg, Maryland 20884

Dear Ashby:

Please publish the following legal advertisement in the **June 28, 2006**, issue of the *Gaithersburg Gazette*.

Sincerely,

Jacqueline Marsh, Planner  
Planning and Code Administration

ASSIGN CODE: HAWP-14C

### NOTICE OF PUBLIC HEARING

The Historic Preservation Advisory Committee of the City of Gaithersburg will conduct a public hearing on HAWP-14C, filed by Clark Day, on

**THURSDAY  
JULY 6, 2006  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests a certificate of approval from the City's Historic District Commission for tree removal at **26 Walker Avenue**. §24-228 of the City Code (Zoning Ordinance) requires a historic area work permit for altering exterior features of a historic resource. The subject property, located on Lot 26, of the Walker's Addition to Gaithersburg, is a contributing resource to the Brookes, Russell, Walker Historic District.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Jacqueline Marsh, Planner  
Planning and Code Administration  
JAM

**Acct# 133649**

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaitersburgmd.gov

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Stanley J. Alster  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Michael A. Sesma

CITY MANAGER  
David B. Humpton



*Gaithersburg*

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

### NOTICE OF PUBLIC HEARING

The City of Gaithersburg Historic Preservation Advisory Committee will conduct a public hearing at the time and place noted below.

*Meeting:* **Historic Preservation Advisory Committee**  
*Application Type:* **Historic Area Work Permit Request**  
*File Number:* **HAWP-14C**  
*Location:* **26 Walker Avenue**  
**Lot 26 of Walkers Addition to Gaithersburg**  
*Applicant:* **Clark Day**  
*Development:* **Brookes, Russell, Walker Historic District**  
*Day/ Date/Time:* **Thursday, July 6, 2006, 7:30 p.m.**  
*Place:* **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL**  
**31 SOUTH SUMMIT AVENUE**

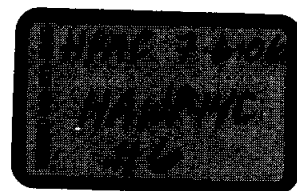
#### \*\*\*IMPORTANT\*\*\*

The application requests a certificate of approval from the City's Historic District Commission for tree removal at **26 Walker Avenue**. Section 24-228 of the City Code (Zoning Ordinance) requires a historic area work permit for altering exterior features of a historic resource. The subject property, located on Lot 26, Walkers Addition to Gaithersburg, is a contributing resource to the Brookes, Russell, Walker Historic District. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

CITY OF GAITHERSBURG

By: *Jacqueline Marsh*  
Jacqueline Marsh, Planner  
Planning and Code Administration

**SEE LOCATION MAP ON REVERSE SIDE**



**NOTICES SENT THIS 26<sup>th</sup> DAY OF JUNE, 2006, TO:**

**APPLICANT AND INTERESTED PARTIES**

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

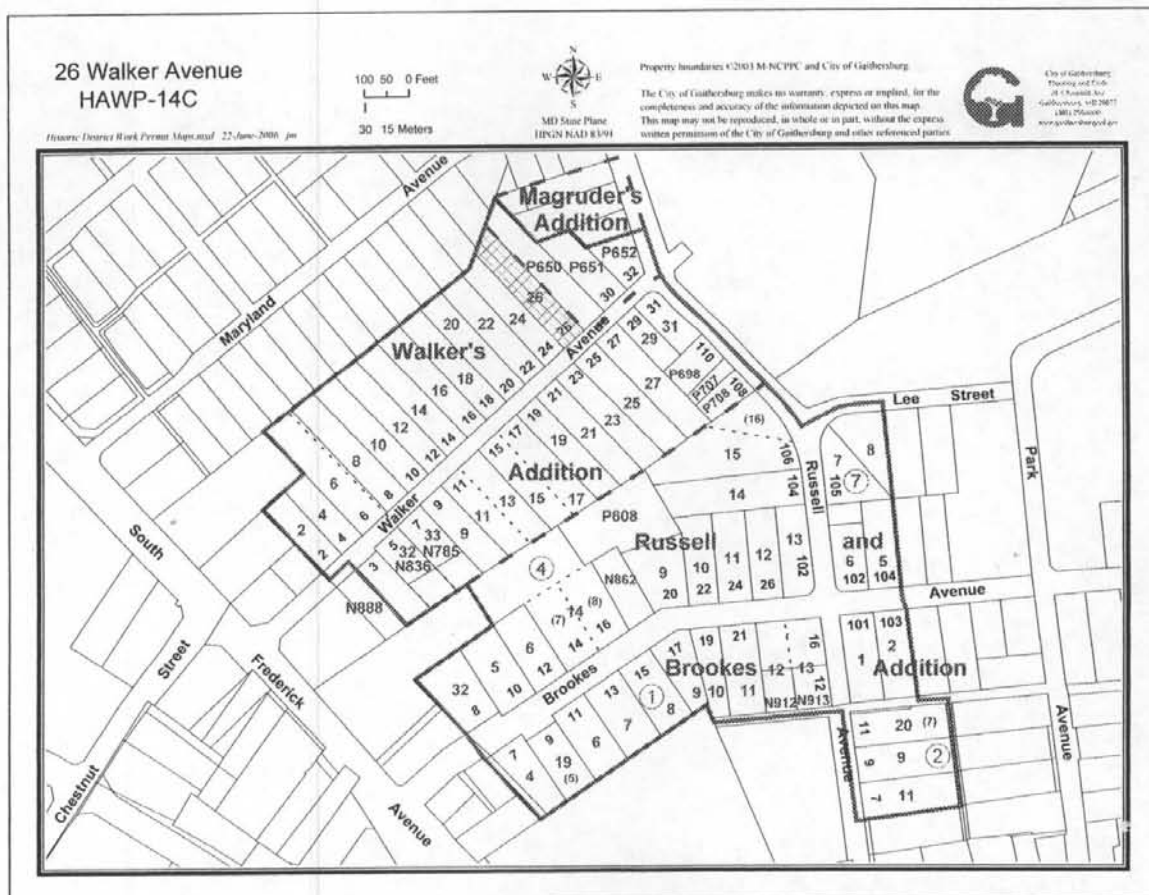
**HISTORIC PRESERVATION ADVISORY COMMITTEE**

**HISTORIC DISTRICT COMMISSION**

**CITY STAFF**

David B. Humpton, City Manager  
Frederick J. Felton, Assistant City Manager  
Tony Tomasello, Assistant City Manager  
Cathy Borten, City Attorney  
Britta Monaco, Public Information Director  
Doris Stokes, Administrative Assistant  
Jeff Baldwin, City Web Administrator (via email)

**LOCATION MAP**



OCCUPANT  
21 MARYLAND AVE  
GAITHERSBURG MD 20877

OCCUPANT  
15 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
17 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
19 WALKER AVE  
GAITHERSBURG MD 20877

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27 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
31 WALKER AVE  
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35 MARYLAND AVE  
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OCCUPANT  
202 RUSSELL AVE  
GAITHERSBURG MD 20877

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204 RUSSELL AVE  
GAITHERSBURG MD 20877

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206 RUSSELL AVE  
GAITHERSBURG MD 20877

OCCUPANT  
20 MARYLAND AVE  
GAITHERSBURG MD 20877

OCCUPANT  
16 WALKER AVE  
GAITHERSBURG MD 20877

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26 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
30 WALKER AVE  
GAITHERSBURG MD 20877

OCCUPANT  
32 WALKER AVE  
GAITHERSBURG MD 20877